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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,900	06/20/2001	Scott Baggs	10004919-1	4858

22879 7590 07/08/2002

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EXAMINER

AM. STEPHEN K

ART UNIT PAPER NUMBER

2878

DATE MAILED: 07/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,900

Applicant(s)

BAGGS, SCOTT

Examiner

Stephen Yam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 14, and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The limitation "the platen" in Claim 12 lacks antecedent basis.

4. Regarding Claim 14, it is unclear which end of the channel is the "proximal end", as a proximal end is not defined in a parent claim. The definition of "proximal" end should be included in the claim.

5. Regarding Claim 23, the meaning of "enabling the optical scanner" is unclear. If the term implies the use of the optical elements towards the scanning process within the scanner, the claim should be modified to reflect that intention.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

7. Claims 1-2, 8-11, 13, 16-18, and 20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Griffin US Patent No. 6,233,064.

Regarding Claims 1, 2, and 20, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface (10) (see Fig. 1) with a channel extending therefrom (16), a platen (30) to permit scanning of a source document in a vertical position, and a flap (20) (see Fig. 4) coupled to the source-contact surface substantially parallel to the source-contact surface of the housing, wherein the source-contact surface, the source-backing surface, and the channel form an opening for receiving an edge of a source to be scanned.

Regarding Claim 8, Griffin teaches the platen with an upper edge, an opposing lower edge, a front edge coexistent with a front panel of the housing, and a distal edge and wherein the channel is adjacent to the lower edge of the platen, as seen in Fig. 1.

Regarding Claim 9, Griffin teaches the channel having a first end proximal to a front panel of the housing and a distal end that extends at least to the distal edge to the platen.

Regarding Claim 10, Griffin teaches the flap coupled to the housing with at least one adjustable fastener with at least one post assembly having a plurality of spatially-separated detent positions, in Fig. 10.

Regarding Claim 11, Griffin teaches the flap coupled to the housing with at least one adjustable fastener (419, 421) (see Fig. 17 and Col. 6, lines 62-67) for closely contacting the source-backing surface to the source-contact surface.

Regarding Claim 13, Griffin teaches a housing configured with a channel (216) that can extend to increase the width of the opening (see Fig. 8).

Regarding Claims 16-18, Griffin teaches a scanner assembly with a means for optically scanning and converting image data into a digital data representation of a source (40, 70) (see Fig. 2 and 3), means for spatially adjusting a source to be scanned with the means for optical scanning comprising a slot (formed by an opening surrounded by the housing (10), flap (20), and channel (16)) (see Fig. 4), and means for supporting the source along an edge of said source during a scanning operation (16).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin.

Regarding Claim 7, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the housing comprising a recess configured to

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receive a portion of the channel when the source-backing surface is in close proximity to the source-contact surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a recess in the housing, as another method to retract the channel when necessary, to copy books or other sources with large surfaces for which the channel would hinder the scanning process.

Regarding Claim 14, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the width of the proximal end of the channel increasing over that portion of the channel that extends beyond the platen. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a greater width in the channel near the proximal end of the scanner, as it is common knowledge that insertion slots are wider at the opening to provide easier insertion of objects.

Regarding Claim 19, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin also teaches a first inclined surface associated with a housing. Griffin does not teach a second inclined housing associated with a flap. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second inclined housing associated with a flap, to offset the difference in height between the left and right sides and provide a rectangular-shaped scanner body.

10. Claims 3-6, 12, 15, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffin in view of Nagano et al. US Patent No. 6,331,886.

Regarding Claims 3 and 4, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the housing containing the front panel with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Regarding Claim 3, Nagano et al. teach a scanner apparatus containing a front panel (202) (see Fig. 13) with an inclined surface adjacent to the opening, the inclined surface forming a wider opening at the surface of the front panel. Regarding Claim 4, Nagano et al. also teach a channel (1b) (see Fig. 1) supporting the source from the bottom, and a flap (1) attached to the support element to the left of the slot (203a) (see Fig. 13), containing an inclined surface adjacent to the opening slot, the inclined surface arranged to increase the opening along a front edge of the flap, wherein the front edge is substantially perpendicular to the source-backing surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the inclined surfaces in the scanner of Nagano et al. to the scanning apparatus of Griffin, to provide a means of securing a slide or a strip of film for scanning, as taught by Nagano et al., to improve the insertion and removal process.

Regarding Claims 5 and 12, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the flap containing a slot. Nagano et al. teach a flap (1) (see Fig. 1) containing a slot (between 1a and 1b) in which to insert and secure a relatively short source document such as a slide or strip of film, and to align it with the scanning elements. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a slot in the scanning apparatus of Griffin, to provide a means of attaching a

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slide or a strip of film for scanning, as taught by Nagano et al., to easily align a source for scanning.

Regarding Claim 6, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the flap containing a clip arranged to receive a portion of a source to be scanned. Nagano et al. teach a clip (1a) (see Fig. 1) to receive a portion of a source to be scanned. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a slot in the scanning apparatus of Griffin, to provide a means of securing a slide or a strip of film for scanning, as taught by Nagano et al., to fully secure a source for scanning.

Regarding Claim 15, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to the source-contact surface. Griffin does not teach the channel coated with a material having a relatively low coefficient of friction. Nagano et al. teach a scanner for scanning a film strip or slide by sliding the source into an opening. Although Nagano et al. does not specifically mention the composition of the scanner, it is inherent that a plastic compound is used to mold the front panel and the channel, and that plastics have a relatively low coefficient of friction. It would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the channel in the scanner of Griffin with a material having a relatively low coefficient of friction, to easily insert and remove film strips or slides without encountering resistance.

Regarding Claim 21-25, Griffin teaches a scanner assembly with a housing having a substantially vertical source-contact surface, a channel extending therefrom, and a flap parallel to

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the source-contact surface. Regarding Claim 22, Griffin teaches arranging the flap and housing to apply pressure to the source to closely contact the platen (Col. 4, lines 6-11). Regarding Claims 23-25, Griffin also inherently teaches enabling the optical scanner (to visually scan a source), spatially arranging the flap and housing wherein pressure is removed from the non-scan surface of the source (lifting the flap after the scanning process), and removing the source from the opening. Griffin does not teach the insertion of a leading edge of a source to be scanned into the opening formed by the source-contact surface, the flap, and the channel such that source is supported along an edge by the channel. Nagano et al. teach the insertion of the leading edge of a source (7) to be scanned into an opening formed by a flap (1), a channel (1b), and a clip (1a). It would have been obvious to one of ordinary skill in the art at the time the invention was made to insert a leading edge of a source into an opening in the scanner of Griffin, to allow effortless alignment and scanning of slides and other sources.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Minasian et al., US Patent No. 5,475,505, teach a scanning apparatus to scan objects at an angle.

Onda et al., US Patent No. 6,404,515, teach a scanning apparatus to vertically read slides.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (703)306-3441. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (703)308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7724 for regular communications and (703)308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

SY *S.Y.*
June 26, 2002


Kevin Pyo
Primary Examiner